

Legal Education Resources Related to the Emerging Wind Energy Industry

*Recommended For Use with Legal Education Programming Efforts
Cooperative Extension Service*

Prepared and Reviewed by: Community of Practice for Agricultural Law, eXtension¹

General Legal Education Websites (located on Land Grant University campuses)

National Agricultural Law Center, University of Arkansas Fayetteville:

Harrison Pittman, Director

www.nationalaglawcenter.org

Reading Room on Renewable Energy (comprehensive compilation of electronic resources & articles on specific topics, including federal and state law/regulation, Congressional reports, research publications, and other reference resources:

<http://www.nationalaglawcenter.org/readingrooms/renewableenergy/>

Center for Agricultural Law and Taxation, Iowa State University

Roger McEowen, Director

www.calt.iastate.edu

Article re: Wind Energy Production: Legal Issues and Related Liability Concerns for Landowners in Iowa and Across the Nation

<http://www.calt.iastate.edu/briefs/CALTLegalBrief-WindEnergyProduction-LegalIssues.pdf>

Penn State Dickenson Agricultural Law Center:

Ross Pifer, Director

<http://www.dsl.psu.edu/centers/aglaw.cfm>

General Legal Education Websites (non-Land Grant Universities with membership in eXtension Community of Practice for Agricultural Law)

Drake Agricultural Law Center

Neil Hamilton, Director

<http://www.law.drake.edu/centers/agLaw/>

Article: re: Wind Energy Legal Issues

<http://www.law.drake.edu/centers/agLaw/docs/windRightsLegalForum.pdf>

¹ The Community of Practice for Agricultural Law is comprised of agricultural lawyers in the United States Land Grant and Extension system, members of the American Agricultural Law Association and related educational and governmental organizations. These institutions include: University of Arkansas Fayetteville; Iowa State University; Penn State University; Drake University (Des Moines, Iowa); University of Nebraska Lincoln; University of Florida; University of Georgia; University of Illinois at Urbana-Champaign; North Carolina State University; the Ohio State University; Virginia Tech; the University of Wisconsin; the United States Department of Justice; the United States Department of Agriculture; Oklahoma State University; the State of Oklahoma; the State of South Carolina; the State of South Dakota.

Other Legal Education Resources (nonprofit organizations):

Farmer's Legal Action Group: www.flaginc.org

- [Farmers' Guide to Wind Energy: Legal Issues in Farming the Wind](#) by Jessica A. Shoemaker, Christy Anderson Brekken, and Karen R. Krub (June 2007)
- [Negotiating Wind Energy Property Agreements](#) by Jessica A. Shoemaker (June 2007)
- [Community Wind: A Review of Select State and Federal Policy Incentives](#) by Jessica A. Shoemaker and Christy Anderson Brekken (August 2006)

Albany Law Center – “Law of the Land” (website & blog)

Patricia Salkin, Director Albany Law Center Government Law Center
<http://lawoftheland.wordpress.com/category/wind-development/>

Law Review, Law Journal and Non-Law Review/Journal Articles:

"Wind Energy: Siting Controversies & Rights in Wind," Environmental & Energy Law & Policy Journal, 1 EELPJ 281;

<http://www.law.uh.edu/eelpj/publications/1-2/01-Smith.pdf>

"Wind Power: Generating Electricity & Lawsuits," Energy Law Journal, 28 Energy Law Journal 489;

http://www.eba-net.org/docs/elj282/Wind_Power.pdf

"Wind Power," Texas Bar Journal, 68 TXBJ 832

http://www.texasbar.com/Template.cfm?Section=Past_Issues&Template=/ContentManagement/ContentDisplay.cfm&ContentID=12996

"Wind Energy Issues," Wyoming Lawyer, 31 FEB WYLAW 12

https://www.wyomingbar.org/pdf/barjournal/barjournal/articles/Wind.pdf?-session=wybar_user:42F943531aee4299DBswFF000693

https://www.wyomingbar.org/pdf/barjournal/barjournal/articles/Wind_Energy.pdf?-session=wybar_user:42F943531b2042AF41ksFE4EE935

Other Resources, Including Resources Relating to BioFuels Generally (With Links as Available)

Clean Energy Farming: Cutting Costs, Improving Efficiencies, Harnessing Renewables (SARE; <http://www.sare.org/publications/energy.htm>)

Broadening Wind Energy Ownership by Changing Federal Incentives (Institute for Local Self-Reliance) <http://www.newrules.org/de/ptc-wind-ownership.pdf>

Renewable Energy and Sustainable Agriculture: Exploring the Crossroads (SARE)
http://www.sare.org/coreinfo/energy_subD.htm

Introducing the International Bioenergy Platform (FAO);
<ftp://ftp.fao.org/docrep/fao/009/A0469E/A0469E00.pdf>

Biofuels and Biofoods: The Global Challenges of Emerging Technologies;
<http://www.worldfoodprize.org/symposium/2007.htm>

Biofuel Support Policy Costs to the U.S. Economy (FarmEcon LLC);
<http://farmecon.com/Documents/Biofuel%20policy%20cost%20to%20U.S.%20economy%20FarmEcon%20LLC.pdf>

Renewable Energy in Agriculture: Back to the Future? (Choices)
<http://www.choicesmagazine.org/2006-1/biofuels/2006-1-05.htm>

Biodiesel – A Primer (ATTRA; <http://attra.org/attra-ub/PDF/biodiesel.pdf>

Renewable Energy Opportunities on the Farm (ATTRA); <http://attra.org/attra-pub/PDF/energyopp.pdf>

Ethanol Opportunities and Questions (ATTRA) <http://attra.org/attra-pub/PDF/ethanol.pdf>

Cellulosic Biofuels (EESI); http://www.eesi.org/publications/FactSheets/eesi_cellethanol_factsheet_072308.pdf

Clean Energy Farming: Cutting Costs, Improving Efficiencies, Harnessing Renewables (SARE) <http://www.sare.org/publications/energy/energy.pdf>

Fact Sheet: National Biofuels Action Plan (USDA);
<http://www.usda.gov/wps/portal/usdahome?contentidonly=true&contentid=2008/10/0258.xml>

The State of Food and Agriculture 2008 – Biofuels: Prospects, Risks and Opportunities (Food and Agriculture Organization of The United Nations);
<http://www.fao.org/docrep/011/i0100e/i0100e00.htm>

Biofuels: Policy and Business Organization Issues, O'Brien;
http://www.nationalaglawcenter.org/assets/articles/obrien_biofuels.pdf

Additional Articles without Links

“Tilting at Wind Turbines: Noise Nuisance in the Neighborhood After *Rassier v. Houim*; Bliss, 69 North Dakota Law Review 535-557 (1993).

“Surface Owner Consent Laws: The Agricultural Enterprise Versus Surface Mining for Coal”, Beck, Southern Illinois Univ. L.J. 303-325 (1977)

Comment, “The Way the Winds Are Blowing These Days: The Rapid Growth of Wind Energy”, 8 North Carolina J. Law & Technology 117-157).

Comment, “Turbines vs. Tallgrass: Law, Policy and a New Solution to Conflict over Wind Farming in the Flint Hills”, 54 Univ. Kansas L. Rev. 1131-1163 (2006).

Comment, “Who Owns the Wind?: the Growth of the Wind Energy Industry in Texas”, 39 Texas Tech L. Rev. 101-132 (2006).

“Wind Farms: Windfall or Wipeout?”, Geyer, Richardson & Breakiron, 9 Interdisciplinary Environmental Rev. 28-43 (2007).

“If Ethanol is the Answer, What is the Question?” Grossman, 13 Drake J. Agric. L. 149-177.

Note, Bioenergy: Fueling the Future, 12 Drake J. Agricultural Law 205-229 (2007).

Note, The Answer, My Friend Is In the Wind Rights Contract: Proposed Legislation Governing Contracts, 89 Iowa L. Rev. 1775-1800 (2004).

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